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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)
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16)
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18 Defendant.)
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CASE NO. CR _____ AHM

STANDING ORDER RE:
CRIMINAL TRIALS

20 **THE GOVERNMENT SHALL SERVE A COPY OF THIS ORDER ON**
21 **ALL DEFENSE COUNSEL PROMPTLY AFTER THE FIRST APPEARANCE**
22 **OF COUNSEL AT THE POST-INDICTMENT ARRAIGNMENT.**

23 The above mentioned cause of action is set for trial before the Honorable A.
24 Howard Matz.

25 **COURTROOM PREPARATION AND LAST CONFERENCE**

26 1. Please arrive at the Courtroom not later than 7:45 a.m. on the first day of
27 trial. At 8:00 a.m. counsel will meet with the Court for the “last conference” (see
28 below). As is disclosed in the ensuing provisions, please use the preceding quarter-

1 hour to set up audio equipment, distribute exhibits, and discuss logistical and other
2 matters with the Courtroom Deputy Clerk. If counsel need to arrange for the
3 installation of their own equipment, such as video monitors or an overhead projector,
4 etc., they should call the Courtroom Clerk no later than 4:30 p.m. 2 COURT DAYS
5 BEFORE trial, so that the necessary arrangements may be made.

6 2. Upon arriving for trial, Counsel for the Government shall present the
7 Courtroom Deputy Clerk with the following documents:

8 a) Three copies of the Government's witness list.

9 b) Three copies of the Government's exhibit list.

10 c) In addition to the original exhibits, two sets of all of the
11 Government's exhibits (except those that cannot be reproduced, such as
12 weapons) with official exhibit tags attached, bearing the same number
13 shown on the exhibit list. Exhibit tags can be obtained from the Clerk's
14 Office, Room G-8.

15 d) An agreed statement (accepted by defense counsel) that briefly
16 describes the charges, in clear, simple paraphrased fashion. Each separate alleged
17 crime shall be mentioned. E.g., "Defendant is accused of defrauding Bank of
18 America by kiting checks drawn on accounts that lacked the necessary funds. He also
19 is accused of conspiring with John Smith to defraud that bank. He denies the
20 charges."

21 3. The Court and witness' copies of the Government's exhibits shall be placed
22 in three-ring binders tabbed with the exhibit number for easy reference. Defense
23 counsel shall use the same method, if practical, in providing the Court with a copy of
24 their exhibits as introduced. That is, defense counsel should provide a pre-tabbed
25 binder and 3-hole punch the exhibit(s) before handing them to the Clerk. (Defense
26 counsel do not have to deliver their exhibits to the Clerk on the first day of trial;
27 however, they are responsible for affixing tags to these exhibits which they intend to
28 use in the Defendant's case.) (Also, defense counsel must provide both the

1 courtroom Deputy Clerk and the Court Reporter with the defense witness list and
2 defense exhibit list.) Exhibits shall be numbered 1, 2, 3, 4, etc., NOT 1.1, 1.50, etc.
3 Counsel for both (all) sides should agree on the range of numbers to be assigned.
4 (*E.g.*, Government exhibits to be 1-99, Defendant One to be 100-199; Defendant Two
5 200-299, etc.) If a blow up is an enlargement of an existing exhibit, it shall be
6 designated with the number of the original exhibit followed by an “A.”

7 4. Counsel for the government should be aware that the Court will order that
8 exhibits such as firearms, narcotics, etc., remain in the custody of the agents during
9 the pendency of the trial. It shall be the responsibility of the agents, in coordination
10 with Courthouse Security Officers, to produce such items for court, secure them at
11 night and guard them while in the courtroom. All exhibits will be returned to counsel
12 at the conclusion of the trial.

13 5. Last Conference. Before trial commences, at the 8:00 a.m. Last
14 Conference, the Court will give counsel an opportunity to discuss administrative
15 matters and anticipated procedural or legal problems. At that time we will discuss
16 *voir dire* procedures, *Batson* objections, and any unusual factors. Counsel for the
17 Government shall bring to the meeting the attached Trial Witness Estimate Form
18 which all counsel should have filled in. In the event defense counsel has not provided
19 estimates for cross-examination, she or he will have to do so at the Last Conference.

20 **JURY INSTRUCTIONS AND VERDICT FORMS**

21 6. Jury instructions in the form described below shall be submitted no later
22 than the Wednesday of the week prior to trial. Counsel need only submit proposed
23 substantive instructions. The Court will formulate general instructions based
24 primarily on the format set out by the Committee on Model Jury Instructions for the
25 Ninth Circuit, *Manual of Model Criminal Jury Instructions for the Ninth Circuit*.

26 7. The parties must submit joint jury instructions, and shall include the
27 computer disk containing the instructions. (See ¶ 11.) In order to do so, the parties
28 shall meet and confer sufficiently in advance of the required submission date with the

1 goal of agreeing upon instructions and any proposed special verdict forms. (The
2 Courtroom Deputy will prepare general verdict forms.) The Court prefers counsel to
3 use the instructions recommended by the Committee on Model Criminal Jury
4 Instructions for the Ninth Circuit, *Manual of Model Criminal Jury Instructions for the*
5 *Ninth Circuit*. Another suggested source is Edward J. Devitt, *et al.*, *Federal Jury*
6 *Practice and Instruction*. The jury instructions shall be submitted as follows: (1)
7 joint jury instructions, *i.e.*, those instructions to which all parties agree; and (2)
8 disputed jury instructions, *i.e.*, those instructions propounded by a party to which
9 another party objects. The party objecting to the disputed instructions shall file its
10 objections no later than the Friday before the trial. The party must state the reasons
11 for the objection, provide a proposed alternative instruction with supporting
12 authority, and provide copies of all authorities. Each requested jury instruction shall
13 be numbered and set forth in full on a separate page, citing the authority or source of
14 the requested instruction except on the “jury copy” described below in paragraph 8.
15 Please be brief, clear and concise. Write in plain English. Do not slip argument into
16 the proposals, and please organize them in logical sequence.

17 8. The Court will send several copies of the jury instructions into the jury room
18 for use by the jury during deliberations. Accordingly, in addition to the filed copies,
19 an extra set of the proposed instructions (the “jury copy”,) shall be submitted to the
20 Court with only the text of an instruction on each page (*i.e.*, no titles, supporting
21 authority, indication of party proposing, etc). This will be referred to as the “jury
22 copy” of the instructions. (Duplicates will be made by the Court.)

23 9. An index page shall accompany all jury instructions that are submitted to the
24 Court. The index page shall indicate the following:

- 25 a. The number of the instruction;
- 26 b. A brief title of the instruction;
- 27 c. The source of the instruction; and
- 28 d. The page number of the instruction.

1 EXAMPLE:

2 <u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page</u>	<u>Number</u>
3 1	Duty of the Jury	9 th Cir. 1.01	1	

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5 10. If counsel seek a special verdict, counsel shall follow the procedure set
6 forth in paragraph 7 in order to formulate a joint proposed verdict form. Counsel
7 shall submit the proposed verdict form with the proposed jury instructions.

8 11. If counsel prepared the jury instructions or the proposed special verdict
9 using WordPerfect, counsel shall provide to the Court a floppy disk containing the
10 proposed instructions, preferably on WordPerfect 11.0, along with the hard copy.

11 **TRIAL PROCEEDINGS**

12 12. Trial days usually are Tuesday through Friday, 8:00 a.m. to 1:30 p.m., with
13 two 15 minute breaks. On each day after the first, the Court reserves the time from
14 8:00 - 8:30 to handle legal and administrative matters outside of the presence of the
15 jury. Counsel are urged to anticipate matters which may need discussion or hearing
16 outside of the presence of the jury and to raise them during this period.

17 13. Counsel shall not refer to their clients by their first names during trial.

18 14. Counsel shall not discuss the law or argue the case in opening statements.

19 15. When objecting, counsel shall state only “objection” and the legal ground
20 for the objection (*e.g.*, hearsay, irrelevant, etc.). Court permission is needed to argue
21 an objection, and the argument must be outside of the hearing of the jury. No counsel
22 shall respond directly to any other lawyer’s statements or objections; there shall be no
23 colloquy between the lawyers.

24 16. Counsel shall not approach the clerk or the witness box without the
25 Court’s permission.

26 17. Counsel shall rise when addressing the Court. In jury cases, counsel and
27 the defendants shall rise when the jury enters or leaves the courtroom. [Special
28 procedures or exceptions may apply to defendants who are restrained.]

1 18. Counsel shall address all remarks to the Court. Counsel shall not directly
2 address the Courtroom Deputy Clerk, the Court Reporter, or opposing counsel, unless
3 it is to propose a stipulation or other procedure, in which case it shall be out of the
4 hearing range of jurors. Counsel shall address to the Court all requests to have an
5 exhibit placed in front of a witness.

6 19. Counsel shall not make an offer of stipulation unless he/she has conferred
7 with opposing counsel and believes that the stipulation will be accepted. Any
8 stipulation of fact will require the defendant's personal concurrence and shall be
9 submitted to the Court in writing for approval. Defense counsel should explain any
10 proposed stipulation to him/her in advance.

11 20. While Court is in session, counsel may not leave the counsel table to
12 confer with investigators, secretaries, or witnesses in the back of the courtroom unless
13 the Court grants permission to do so in advance.

14 21. When a party has more than one lawyer, only one of the lawyers may
15 conduct the examination of a given witness and only that lawyer may handle
16 objections during the testimony of that witness.

17 22. If a witness was on the stand before a recess or adjournment, counsel shall
18 have the witness back on the stand and ready to proceed when Court resumes. If
19 there is more than a brief delay between witnesses, the Court may deem that the party
20 has rested.

21 23. The Court attempts to cooperate with physicians and other professional
22 witnesses and, except in extraordinary circumstances, will accommodate them by
23 permitting them to be examined out of sequence. Counsel should discuss this issue
24 with opposing counsel. If there is an objection, please inform the Court in advance.

25 QUESTIONNAIRES

26 24. If any counsel wishes to submit a written questionnaire to each prospective
27 juror, s/he shall move in writing for leave to do so, and shall include the proposed
28 questionnaire with the motion. Because the Jury Department needs ample time to

1 arrange for pre-selected jurors to be available to complete a questionnaire, such
2 motion shall be filed not later than nine weeks before the trial date, to be heard not
3 later than five weeks before the trial date.

4 **MISCELLANEOUS**

5 25. Please read the Court's Civil Jury Trial Order for guidance as to other
6 matters that may have bearing in a criminal case.

7 26. Counsel shall inform the Courtroom Deputy in advance if any witness or
8 member of the trial team requires an accommodation for a physical disability.

9 The Court thanks counsel for their anticipated cooperation.
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12 Dated: _____

A. HOWARD MATZ
United States District Judge
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